



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,637	04/02/2004	Paul Lapstun	HYC004US	9558

24011 7590 06/01/2007
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
----------	--------------

3694

MAIL DATE	DELIVERY MODE
-----------	---------------

06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,637

Applicant(s)

LAPSTUN ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/02/04, 10/07/04, 10/18/04, 02/12/07.

DETAILED ACTION

1. Claims 1-36 are pending in the instant application filed 04/02/04.
2. The IDS filed 04/02/04, 02/12/07, 10/07/04 and 10/18/04 have been reviewed and entered.

Claim Objections

3. Claims 1, 12, 13, 18, 29, 30, 35, and 36 are objected to because of the following informalities: Claim 1 recites "identifying a first telecommunication address of the user from: an identity ..; or the interaction data;". This limitation would be better recited as "identifying a first telecommunication address of the user from an identity ... or the interaction data;". Claims 12, 13, 18, 29, and 30 have a similar problem. Claim 12 contains the acronym "PDA". This acronym should be recited as "Personal Digital Assistant (PDA)".

Claim 35 recites "A method in connection with transfer of information, ..., ..., of:". The preamble should recite "A method in connection with the transfer of information, ..., ..., of:".

Claim 36 has a similar problem. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 2, 10, 18, 19, 27, 35, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3694

Claims 1, 2, 18, 19, and 35 recite "a sensing device". This recitation is unclear, vague and ambiguous. "A sensing device" broadly interpreted can be any device such as a bar code scanner or fax machine or any other device capable of sensing and identifying information.

Claims 10 and 27 recite "permitted" which is not a positive recitation in the claim. The claim would be better recited as "... the first server can forward the information ...". Claims 35 and 36 are indefinite and unclear as written. The metes and bounds of the claim cannot be determined.

Claim 35 recites "sending interaction data ..., by means of a sensing device, with coded data on a surface, and based on said interaction data, ...;". This is confusing as written. Also, with the "means of" recited the claim appears to overlap two statutory classes of invention. Instead of reciting "by means of". The claim limitation would be better recited as "following interaction of a sensing device with coded data on a surface and based on said interaction data accompanying ..., ...;".

Claim 36 is confusing and indefinite. The metes and bounds of the claim cannot be determined as written. Claim 36 would be better recited as follows: A method in connection with the transfer of information, including the steps of:

associating a user ...;

sending to a service handler, following a marking by a user unit of an activation icon on a position coded surface;

associating the user unit information based on said user unit information data;

Art Unit: 3694

accompanying said user unit information data with the temporary telecommunication address, wherein ...;

receiving at a server information ...; and

forwarding from said server said service ...”.

Claims 2-17 and 19-34 are also rejected because of their dependency from a rejected base claim.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 14, 2007


ELLA COLBERT
PRIMARY EXAMINER